

1984 BILL 7

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

ATTORNEY GENERAL STATUTES
AMENDMENT ACT, 1984

THE ATTORNEY GENERAL

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 7

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1984

ATTORNEY GENERAL STATUTES AMENDMENT ACT, 1984

(Assented to _____, 1984)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Fatality Inquiries Act

1(1) *The Fatality Inquiries Act is amended by this section.*

(2) *Section 10 is amended*

(a) *in subsection (1) by striking out "Subject to subsection (3), any" and substituting "Any";*

(b) *in subsection (2) by repealing clause (f) and substituting the following:*

(f) **deaths that occur**

(i) **during an operative procedure,**

(ii) **within 10 days of an operative procedure,**

(iii) **while under anesthesia,**

(iv) **during recovery from anesthesia, or**

(v) **any time after anesthesia and that may reasonably be attributed to that anesthesia;**

(c) *by repealing subsection (3).*

Possessory Liens Act

2(1) *The Possessory Liens Act is amended by this section.*

(2) *The following is added after section 11:*

11.1(1) Notwithstanding section 10,

(a) if

(i) the debt and storage charges, if any, are unpaid at the expiration of 3 months in the case of a motor vehicle and of 6 months in the case of any other property, from the

Explanatory Notes

Fatality Inquiries Act

1(1) This section will amend chapter F-6 of the Revised Statutes of Alberta 1980.

(2) Section 10(1), (2)(f) and (3) presently read:

10(1) Subject to subsection (3), any person having knowledge or reason to believe that a person has died under any of the circumstances referred to in subsection (2) or section 11, 12 or 13 shall immediately notify a medical examiner or an investigator.

(2) Deaths that occur under any of the following circumstances require notification under subsection (1):

(f) deaths that occur within 10 days of an operative procedure or while under anesthesia or during recovery from anesthesia;

(3) Subsection (1) does not apply to a person who knows or has reason to believe that a medical examiner has already been or will be notified of the death.

Possessory Liens Act

2(1) This section will amend chapter P-13 of the Revised Statutes of Alberta 1980.

(2) Disposal of property with a value of less than \$300.

time when the relation of creditor and debtor arose with respect to the alteration or repair or the bailment of the property, or

(ii) the chattel is not taken by the bailor at or before the expiration of the time specified for taking it in the contract of bailment, or at or before the expiration of the time specified in the notice referred to in section 4,

and

(b) if the lienholder believes on reasonable grounds that the chattel has a total market value of less than \$300,

the lienholder may sell the property by a means and for a price that he believes is reasonable.

(2) If no person purchases the chattel put up for sale under subsection (1) within a reasonable time, the lienholder may dispose of the chattel in any manner that he believes is reasonable in the circumstances.

(3) *Section 12(2) is repealed and the following is substituted:*

(2) If application under subsection (1) is not made forthwith,

(a) the officer conducting the sale under section 10, or

(b) the lienholder or his agent conducting the sale under section 11.1,

shall immediately pay the balance to the Provincial Treasurer.

(2.1) The Provincial Treasurer shall keep the money he receives under subsection (2) on behalf of the person entitled to it for 1 year from the day he receives the money and, if that person does not make a successful claim for that money within that year, that money shall be paid into the General Revenue Fund.

Ultimate Heir Act

3(1) The Ultimate Heir Act is amended by this section.

(2) Section 5(6) is repealed and the following is substituted:

(6) If a person making a successful claim under this section and the Crown in right of Alberta cannot agree as to the assets and proceeds to be transferred, the matters in dispute shall be settled by the Auditor General, whose certificate is final and conclusive.

(3) The following is added after section 6:

6.1 The Crown in right of Alberta is entitled to retain as compensation for its management of an estate that comes into its possession under section 4 any rents, profits and interest received by or payable to it in respect of that estate that arise during the period of time commencing when the Crown takes delivery of the estate under section 4 and ending

(3) Section 12(1) and (2) presently read:

12(1) The proceeds of the sale shall be applied first in payment of the expenses of the sale and then in payment of the lienholder's debt, and the balance, if any, shall be paid to the person entitled to it on application by him for it.

(2) If application under subsection (1) is not made forthwith, the officer conducting the sale shall immediately pay the balance to the Provincial Treasurer to be kept by him for the owner for one year, after which time, if the owner has not claimed the amount so kept, the balance will form part of the General Revenue Fund.

Ultimate Heir Act

3(1) This section will amend chapter U-1 of the Revised Statutes of Alberta 1980.

(2) Section 5(6) presently reads:

(6) The Crown in right of Alberta is entitled to retain as compensation for its management of the estate any rents and profits and any interest received by or payable to it while the estate has been in its possession, and in the event of any disagreement between the claimant and the Crown in right of Alberta as to the assets and proceeds to be transferred the matters in dispute shall be settled by the Auditor General whose certificate is final and conclusive.

(3) Management fees.

(a) when the Crown is deemed to be the sole heir and next of kin of the intestate under section 6, or

(b) where a successful claim is made under section 5, when the assets and proceeds are transferred to the successful claimant.

(4) *Section 7 is repealed and the following is substituted:*

7 All money and property delivered to the Crown in right of Alberta under this Act shall be kept and dealt with in a manner that the Provincial Treasurer considers proper.

8 Subject to sections 5 and 6.1, all money and property in an estate transferred to the Crown in right of Alberta under section 4 is held in trust by the Crown to pay all the annual income arising from that money or property, as the case may be, to the universities under the *Universities Act* in those portions as the Minister of Advanced Education considers fair and equitable.

9 The income received by a university under section 8 shall be applied by the board of governors of that university to provide scholarships and assistance in fields of research at the university as the board of governors in its discretion considers proper.

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

(4) Section 7 presently reads:

7(1) All money received by the Crown in right of Alberta as ultimate heir shall be kept in a manner the Provincial Treasurer considers proper.

(2) The Provincial Treasurer shall pay the annual income from the money held in trust to the universities under the Universities Act in such shares as the Minister of Advanced Education considers fair and equitable and any money so paid to a university shall be applied, in the discretion of the board of governors thereof, in providing scholarships and assistance in the field of research at the university.